

Erik F. Stidham (Idaho State Bar #5483) (Admitted pro hac vice)
Robert A. Faucher (Idaho State Bar #4745) (Admitted pro hac vice)
HOLLAND & HART LLP
800 W. Main Street, Suite 1750
Boise, ID 83702-7714
Telephone: (208) 342-5000
efstidham@hollandhart.com
rfaucher@hollandhart.com

Engels Tejeda (11427)
Benjamin D. Passey (19234)
HOLLAND & HART LLP
222 S. Main Street, Suite 2200
Salt Lake City, UT 84101
Telephone: (801) 799-5800
dgreid@hollandhart.com
ejtejeda@hollandhart.com
bdpassey@hollandhart.com

*Attorneys for St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd.,
Chris Roth, Natasha Erickson, M.D., and Tracy Jungman, NP*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In Re:

AMMON EDWARD BUNDY,

Debtor.

Case No. 24-23530-WTT

Chapter 7

**ST. LUKE'S CREDITORS' SECOND REPLY IN SUPPORT OF THEIR
OBJECTION TO DEBTOR'S CLAIMED EXEMPTIONS**

COME NOW St. Luke's Health System, Ltd., St. Luke's Regional Medical Center, Ltd.,
Chris Roth, Natasha D. Erickson, M.D., and Tracy W. Jungman, NP (collectively, the "St.
Luke's Creditors"), by and through their attorneys, Holland & Hart LLP, and represent as follows
for this, their second reply in support of their objection to the debtor's claims of exemptions.

1. Debtor Ammon Bundy has unequivocally disclaimed any exemptions. Despite being advised by the Court to obtain legal counsel and being provided additional time to file an amended claim of exemptions, Debtor Bundy continues to proceed pro se. He filed a Second Amended Schedule C withdrawing the exemptions he had previously asserted. Given that Debtor Bundy now claims no exemptions, the St. Luke's Creditors request that the Court (1) vacate that the December 6, 2024 hearing on this contested matter, and (2) enter an order confirming that Debtor Bundy is not entitled to any exemptions.

2. Debtor Bundy has made his decision to disclaim exemptions knowingly. Debtor Bundy made a claim for exemptions on July 17, 2024. Docket 19. The Chapter 7 trustee filed an objection to Debtor Bundy's initial claim for exemptions. Docket 20. On September 13, 2024, St. Luke's Creditors filed their objection to Debtor Bundy's initial claim for exemptions. Docket 22. On October 2, 2024, Debtor Bundy emailed his response to the objections to the St. Luke's Creditors' attorneys. Docket 142. (Debtor Bundy delayed filing the response.) On October 4, 2024, St. Luke's Creditors filed a reply in support of their objections. Docket No. 138.

3. During a preliminary hearing on October 9, 2024, the Court addressed the issue of Debtor Bundy's claimed exemptions. The Court advised Debtor Bundy to obtain legal counsel and provided Debtor Bundy additional time to revise his claim for exemptions. The Court gave Debtor until November 12 to file an amended claim of exemptions. Docket no. 152. The Court set a Zoom hearing regarding the exemptions for December 6. *Id.*

4. Rejecting the Court's advice, Debtor Bundy continues to represent himself pro se. On October 21, 2024, Debtor Bundy filed his Second Amended Schedule C which withdraws previously claimed exemptions and disclaims all exemptions. Docket 161 at 18-19. In the Second Amended Schedule C, Debtor Bundy fails to identify any property in which an

exemption was claimed, cites no statutory basis for any exemptions, and affirms, fourteen times, that the value of his exemptions is “\$0.00”. Docket no. 16 at 18-19. Debtor has, accordingly, unequivocally claimed no exemptions.

5. It is Debtor Bundy’s obligation to identify which, if any, exemptions he is claiming. Our adversarial system requires that the parties frame issues for decisions by the Court. *See Colorado v. United States EPA*, 989 P.3d 874, 885 (10th Cir. 2021) (“The principle of party presentation is a fundamental premise of our adversarial system. That means we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present.” (internal quotations omitted)). It is not the role of the Court to determine what position the Debtor could have or should have taken. *Id.*

6. Given that Debtor Bundy has withdrawn his claims for exemptions, the hearing on December 6 should be vacated as moot. Further, it should be ordered that Defendant Bundy is claiming no exemptions.

7. The St. Luke’s Creditors expect that Debtor Bundy will fail to file or serve timely a witness and exhibit list for the December 6 hearing. (That filing is due today, and, to this point, Debtor has neither filed nor served such a paper.) In an abundance of caution, the St. Luke’s Creditors have filed at docket no. 186 a witness list and exhibit list in connection with the parties’ scheduled December 6 hearing.

WHEREFORE, for the reasons stated herein and in the St. Luke's Creditors' original objection, the St. Luke's Creditors pray that the Court deny all of Debtor's claims of exemptions.

DATED this 15th day of November, 2024.

HOLLAND & HART LLP

/s/ Engels J. Tejeda

Engels Tejeda (11427)

Benjamin D. Passey (19234)

Erik F. Stidham (*Admitted Pro Hac Vice*)

Robert A. Faucher (*Admitted Pro Hac Vice*)

*Attorneys for St. Luke's Health System, Ltd.,
St. Luke's Regional Medical Center, Ltd.,
Chris Roth, Natasha Erickson, M.D., and
Tracy Jungman, NP*

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2024, I electronically filed the foregoing with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF user.

Matthew James Burne matthew.burne@usdoj.gov; james.gee@usdoj.gov;
lindsey.huston@usdoj.gov; rinehart.peshell@usdoj.gov;
rachell.e.d.hughes@usdoj.gov; brittany.deweitt@usdoj.gov

George B. Hoffmann ghofmann@ck.law; mparks@ck.law

David W. Newman david.w.newman@usdoj.gov; james.gee@usdoj.gov;
lindsey.huston@usdoj.gov; rinehart.peshell@usdoj.gov;
rachell.e.d.hughes@usdoj.gov; brittany.deweitt@usdoj.gov

Mark C. Rose trustee@mbt-law.com; UT32@ecfcbis.com

U.S. Trustee USTPRegion19.SK.ECF@usdoj.gov

By U.S. First Class Mail with postage pre-paid:

Ammon Edward Bundy
P.O. Box 1062
Cedar City, UT 84720

VIA UPS Overnight Courier:

Ammon Edward Bundy
896 E 400 S
New Harmony, UT 84757

/s/ Engels J. Tejeda
Engels J. Tejeda

33669968_v3